COURT NO.2

IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

WRIT PETITION NO. 1437 OF 2002 (S/B)

Parmeshwar Das Gupta
S/o Late Shri Bhagirath Lal,
R/o 428, Indra Nagar Colony, Dehradun

... Petitioner

Versus

1. State of Uttaranchal through Secretary, Irrigation, Uttaranchal, Dehradun
2. Chief Engineer, Irrigation, Uttaranchal, Dehradun
3. State of Uttar Pradesh through Secretary, Irrigation Lucknow
4. Chief Engineer, Irrigation Department, Uttar Pradesh, Lucknow
5. Shri Mulak Raj Chabak, Retired Assistant Engineer
6. Shri Jagmander Das Jain, Retired Assistant Engineer

..... Respondents

Shri L.K. Tewari, learned counsel for the Petitioner.
Standing Counsel for the respondents.

Dated: 28.03.2005

Coram: - Hon'ble P.C. Verma, J.
Hon'ble P.C. Pant, J.

1. By means of this writ petition, the petitioner has prayed for a writ of certiorari to quash the order dated 08.05.2002 and also a writ of Mandamus for commanding the Respondents to regularize the petitioner and grant him the higher pay scale of Rs. 3,000-4,500 from the date of 11.05.1987 as is given to RespondentNo.5 and 6.

2. The disputed question of fact involved in this writ petition cannot be gone into the proceedings under Article 226 of Constitution of India. The petitioner is directed to avail the appropriate remedy before the Public Services Tribunal.

3. The writ petition is dismissed accordingly

(P.C. Pant, J.) **(P.C. Verma, J.)**

Rajeev Dang